



April 15, 1993

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, DC 20554

Re: CC Docket No. 92-297
Proposed Local Multipoint Distribution Service

Dear Ms. Searcy:

Enclosed is an original and (9) copies of the reply comments filed by the Public Broadcasting Service, Association of America's Public Television Stations, Organization of State Broadcasting Executives and Southern Educational Communications Association ("Public Broadcasting") in the above-captioned docket on April 15, 1993.

Also enclosed is an additional copy to be date-stamped by the clerk and returned to our messenger.

Sincerely yours,

Gregory Ferenbach
Assistant General Counsel

Enclosure

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BEFORE THE

APR 15 1993

FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C.

In the Matters of

Rulemaking to Amend Part 1 and Part 21
of the Commission's Rules to Redesignate
the 27.5 - 29.5 GHz Frequency Band and
to Establish Rules and Policies for Local
Multipoint Distribution Service;

CC Docket No. 92-297

RM-7872; RM-7722

Applications for Waiver of the Commission's
Common Carrier Point-to-Point Microwave
Radio Service Rules;Suite 12 Group Petition for Pioneer's
Preference;

PP-22

University of Texas -- Pan American Petition
for Reconsideration of Pioneer's Preference
Request DenialREPLY COMMENTS OF THE
ASSOCIATION OF
AMERICA'S PUBLIC TELEVISION STATIONS,
PUBLIC BROADCASTING SERVICE,
ORGANIZATION OF STATE BROADCASTING
EXECUTIVES AND
SOUTHERN EDUCATIONAL COMMUNICATIONS
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SUMMARY

The comments of the Suite 12 Group suggest that a set-aside of LMDS spectrum for non-commercial use is the best way to ensure both that LMDS will be used for educational purposes and that this new service will be viable commercially as a competitor to cable and other video services.

The argument that the Commission should not reserve spectrum for non-commercial purposes because ITFS has been under-utilized is not persuasive. Not only is ITFS a non-commercial success, LMDS is a far more promising technology for educational applications.

I. Spectrum Reservation Serves the Needs of Both
Public Broadcasting and Commercial Interests

In comments previously filed in this proceeding, Public Broadcasting

commented that the Commission's proposed spectrum reservation plan would

allow public broadcasting stations to continue to use their spectrum

for their current programming while also allowing commercial stations

to use the same spectrum for their programming.

Public Broadcasting believes that this plan is a significant step

toward resolving the spectrum reservation issue.

Public Broadcasting supports the Commission's proposed plan

and believes that it will allow public broadcasting stations to

continue to use their spectrum for their current programming

while also allowing commercial stations to use the same

spectrum for their programming.

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between LMDS, cable and other video services like DBS. Suite 12's position thus undermines the view of those who suggest that reserving spectrum for non-commercial purposes would limit the commercial viability of LMDS.³

In short, what is suggested by Suite 12's comments is that by reserving one-half of the LMDS spectrum for non-commercial use, at least temporarily, the Commission could (1) support non-commercial public service applications for LMDS, (2) permit Suite 12 and other proponents to develop this service and (3) still allow for effective competition with cable television and other video providers.

II. Comparisons with ITFS Service Are Misplaced

Public Broadcasting takes particular exception to the comment of M3 Illinois Telecommunications Corp. (M3ITC) that their experience with ITFS suggests that non-commercial entities will not effectively use LMDS spectrum reserved for their use.⁴

Our experience suggests that, on the contrary, after a slow start, ITFS has become a robust service of considerable importance to non-commercial entities, particularly universities. The Commission's new ITFS rulemaking in MM Docket No. 93-24 (proposing among other things filing windows and a freeze on new applications) suggests the steadily growing importance of ITFS to all those involved with its use.

³ See e.g., Comments of Bell Atlantic Personal Communications, Inc. at 3. As noted in the Comments of Cellular Television Associates, Inc. at 1, since services proposed to be offered by LMDS are already offered by competing delivery systems, there is no real need for competing LMDS operators in the same market.

⁴ Comments of M3ITC at 2.

Even if we assume non-commercial ITFS licenses have been underutilized, there is a qualitative difference between ITFS and LMDS. As noted in Public Broadcasting's comments, LMDS offers a number of significant advantages over ITFS, including the number of channels available per licensee, signal quality, and provision for interactivity, features that are compatible with the increased capabilities of public television's new satellite, such as digital compression and VSAT services.⁵

Thus, even if ITFS had not been used effectively by non-commercial operators, this would not necessarily be a reliable guide to future LMDS use.

⁵ See, Comments of Public Broadcasting at 11. See also, Comments of Educational Parties at 7.


Respectfully submitted,

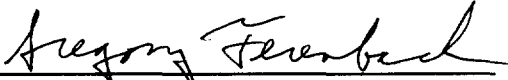
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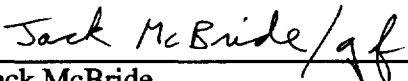
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